

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7049**

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In Re: ROBERT SCOTT ELLIS,

Petitioner.

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On Petition for Writ of Mandamus. (CA-03-2197-5)

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Submitted: September 20, 2004

Decided: October 5, 2004

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Before WILKINSON, MICHAEL, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Robert Scott Ellis, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Robert Scott Ellis brought this mandamus action seeking an evidentiary hearing on his 28 U.S.C. § 2255 (2000) motion pending in the district court. Ellis has failed to demonstrate that he has a clear and indisputable right to mandamus relief and that there are no other adequate means for obtaining the relief. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Accordingly, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED